



OFFICE OF THE CITY MANAGER

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August 21, 2019

Dear Mayor and Members of the City Council:

Attached please find the "Investigative Report, 2019 Complaints Against Two City Council Members." The report is being released pursuant to public records requests. As you know, in March the City hired a third party investigator to conduct an independent investigation concerning complaints alleging violations of the City's Administrative Procedure Order II-1B – Respectful Workplace Conduct and City Council Policy 25.2 – Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy.

The findings and results of this investigation clearly show the need to improve the current environment amongst Councilmembers and between Councilmembers and staff in order to effectively serve and govern our community. There were two allegations which were substantiated and several that were unsubstantiated. Per the City's Charter, the City's management team does not have any legal authority to impose any form of discipline against an elected official for a violation of a City policy. The City Council will need to make the determination on how best to address the matter. However, it is imperative that we refrain from engaging in conduct that might be reasonably perceived as abusive, or that which may create an intimidating and uncomfortable working environment or cause morale problems. I encourage and demand that all of us treat each other with the kindness and respect that each of us deserves. Unfortunately, the current environment has become caustic with individuals, including staff, feeling attacked, and, as a result, morale has suffered considerably. This is completely unacceptable.

The attached memorandum from our Human Resources Director provides recommendations to attempt to begin to improve conditions. Significant work remains to be done. I am committed to improving communications and relationships amongst Councilmembers and between Councilmembers and staff so that we may work together for the greater good.

We must not lose sight of the big picture. We have an obligation and have taken an oath to serve and govern our community. To effectively govern, we need to clearly understand our roles and embody

values/traits that lead to exceptional leadership and performance. Accordingly, it is important to be reminded of these.

Under our form of government, the elected officials are the legislative body and community's policy makers. The elected officials focus on the community's big-picture goals. The City Council hires a city manager based on the person's education, experience, skills, and abilities and NOT on their political allegiances. The city manager serves as the governing body's administrator and advisor, providing complete and objective information about local operations, discussing options, offering an assessment of the long-term consequences of decisions, and making policy recommendations.

The Institute for Local Government has developed a list of six key attributes of exceptional City Councils as follows. Exceptional City Councils:

1. Develop a sense of team—a partnership with the city manager to govern and manage the city;
2. Have clear roles and responsibilities that are understood and adhered to;
3. Honor the relationship with staff and each other;
4. Routinely conduct effective meetings;
5. Hold themselves and the city accountable; and
6. Have members who practice continuous personal learning and development.

There are also ideal characteristics that make for an effective governing body member. These include the following identified by Julia D. Novak and Dr. John Nalbandian:

Community: Uses their office to convene conversations that matter and recognizes that a primary role is to build, maintain, and preserve community.

Brand: Protects and enhances the value of the brand of their community at all times.

Majority: Understands that their most important constituents are other members of the governing body— nothing gets done without a majority.

- Focuses their energy on doing things as a governing body.
- Recognizes that compromise and negotiation are the tools of the political craft.
- Seeks to bring their colleagues into the majority, even when another vote is not needed.

Unique Power: Understands that they (the governing body) have the power to do things that no one else in the community can do.

No Right Answers: Understands the inherent values conflict at play when making decisions AND respects that there are no absolutes—no “right” answers (even theirs).

Dual Roles: Is aware and respectful of the different roles they play and understand they serve as both a representative of constituents and a trustee of the public good.

Respect: Understands that respect can be earned by:

- Speaking on issues only when they have new insights that further debate and understanding;

- Asking genuine questions of others; and
- Exercising their strengths in a way that others value.

Partnership: Respects and values the partnership between the governing body and their appointed staff.

Acceptable and Sustainable: Understands that what can be done must be both politically acceptable AND administratively sustainable.

Outcome-Focused: Is adept at creating useful policy goals and boundaries that allow professional staff flexibility in achieving outcomes.

While there is no law or policy that dictates that these attributes and traits must be implemented and adhered to, they do constitute best practices that will not only make us more effective, but also avoid potential liabilities resulting from lawsuits, conflict, and strife. My sincere hope is that we will commit to these best practices and begin the healing process for those involved in this investigation.

Should you have any questions, please direct them to Human Resources Director Lisa Murphy or me.

Respectfully,

A handwritten signature in blue ink, appearing to read "Martín Bernal", with a long, sweeping horizontal stroke extending to the right.

Martín Bernal
City Manager